

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 993 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE N.J.PANDYA

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STATE OF GUJARAT

Versus

MUMMATSINGH AJABSINGH JHALA

Appearance:

Mr.Bukhari, 1d.ADDL.PUBLIC PROSECUTOR for Petitioner
MR MC BAROT for Respondent No. 1, 2

CORAM : MR.JUSTICE N.J.PANDYA

Date of decision: 08/10/97

ORAL JUDGEMENT

The accused-respondents were facing charge under Sec. 323, 324 and 504 read with Sec.114 of the Indian Penal Code originally. When plea was recorded in Criminal Case no.1169 of 1989 before the learned JMFC, First Class, Dehgam, they had chosen to contest the matter. Subsequently, they admitted the guilt and benefit of probation came to be granted.

2. Under Section 11(2) of the Probation of Offenders Act, the present appeal has been filed. Strictly, speaking, it should have gone before the learned Sessions Judge, who is empowered to hear the appeal.

3. However, without entering into the technicality when after considering the report of the Probation Officer and looking to the fact that both the accused are married and have their family to maintain and that by giving the accused a chance to reform better relationship

between the parties will prevail, the learned Magistrate has exercised his discretion. I do not see any reason to interfere with the same. The appeal is dismissed .
